

FILED BY *[Signature]* D.C.

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN MEMPHIS

CARRIER CORPORATION

Plaintiff,

v.

CIVIL NO. 2:05-CV-2307-MJ/V

PAUL P. PIPER, JR, ET AL.

Defendants.

CONSENT RULE 16(b) SCHEDULING ORDER

At a meeting held via teleconference on August 9, 2005, the parties agreed to and now jointly request that the Court enter the following Rule 16(b) Scheduling Order on consent in the above-captioned matter:

**Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1):** September 26, 2005

**Joining Parties:** October 24, 2005

**Amending Pleadings:** October 24, 2005

**Initial Motions to Dismiss:** November 23, 2005

**Completion of Fact Discovery:** June 26, 2006

**Completion of Expert Discovery:**

- a. **Plaintiff's Expert Disclosures:** February 27, 2006
- b. **Defendants' Expert Disclosures:** April 26, 2006
- c. **Expert Depositions:** June 26, 2006

**Dispositive Motions:** August 18, 2006

HART1-1274268-4

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 8-22-05

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**Trial Date:** October 23, 2006

**OTHER RELEVANT MATTERS:**

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

Plaintiff has requested a jury trial, and, at this time, the Plaintiff estimates that the trial may last 45-60 days. The Defendants have not agreed to this estimate. In fact, counsel for the Defendants, Paul P. Piper Jr., individually and executor of the estate of Paul P. Piper, Sr.; Piper Industrial Coatings, Inc.; Piper Mini-Storage Inc.; Piper Industries Inc.; Claudia B. Piper, individually and as trustee for Annette Allison Piper, Paul Gordon Piper and Ronald K. Piper, Jr.; Annette Piper Sandstrom; Paul Gordon Piper; and Ronald K. Piper Jr., estimates that the trial will last 1-2 weeks.

The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60, shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. No party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, all of the parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

**IT IS SO ORDERED.**

  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE

Date: August 19, 2005

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## Notice of Distribution

This notice confirms a copy of the document docketed as number 34 in case 2:05-CV-02307 was distributed by fax, mail, or direct printing on August 22, 2005 to the parties listed.

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Honorable Jon McCalla  
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